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TO: USPTO Examining Group 2600

FAX NO.: (703)872-9314

FROM: Thomas A. Ward

RE: Interview Summary for Interview Conducted 9/23/04

DATE: September 27, 2004 Total Pages : 5 (including fax cover sheet)

Original will follow by mail: No.

If you do not receive all of the pages, please call Sherri Hale at 415.362.3800.

In re Application:

Inventors: Wong, et al. Appl. No.: 09/847,005

Confirm. No.: 5364 Filed: May 2, 2001

Entitled: *Network Communication System Using Assigned Timeslots For Nodes To Request A Bandwidth Amount For Data Transmission With Resulting Grant For The Node To Transmit*

In connection with the above-mentioned pat. application, please see the attached Interview Summary For Interview Conducted September 23, 2004.

Thank you,
Sherri Hale for Thomas A. Ward

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventors: Wong, et al.

SC/Serial No.: 09/847,005

Confirm. No.: 5364

Filed: May 2, 2001

Title: Network Communication System Using Assigned
Timeslots For Nodes To Request A Bandwidth
Amount For Data Transmission With Resulting
Grant For The Node To TransmitPATENT APPLICATION

Art Unit: 2686

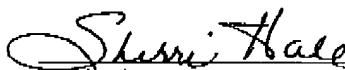
Examiner: Moore, James K.

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Sherri Hale
Signature Date: September 27, 2004

**INTERVIEW SUMMARY FOR INTERVIEW CONDUCTED
SEPTEMBER 23, 2004**

Commissioner for Patents
Washington, D.C. 20231

Sir:

Provided below is the summary of discussions from a telephone interview held between the undersigned, Thomas A. Ward, and Examiner Yuwen Pan on September 23, 2004.

Examiner Yuwen Pan has been assigned the present case on September 9, 2004 from Examiner Ken Moore, who is departing the U.S. Patent Office. The Interview was held to discuss the proceedings in the case up to the final Office Action Response filed August 17, 2004 to bring Examiner Pan up to speed if he had any questions and discuss the issues raised in the Final Office Action mailed June 17, 2004 by Examiner Moore.

Attorney Docket No.: DGCM-1006US0
taw/DGCM/1006US0/1006.122

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In the interview, the Section 112, first paragraph written description rejection from the Office Action mailed June 17, 2004 was reviewed, along with Applicants' initial response filed March 31, 2004 and Applicants' current Response filed August 17, 2004 submitting two Declarations under 37 C.F.R. § 1.132 from persons with background evidencing they were persons of ordinary skill in the art at the time of the filing of the earliest priority application date, June 24, 1994.

Regarding the second claim phrase of Claim 46 addressed by the Office Action, "said second signal allocating at least one time slot to the first node for transmitting the data to the communication controller," the Examiner agreed with Applicants' assertion in the Response filed August 17, 2004 that the language was inherent from the specification under M.P.E.P. § 2163.07(a), and is accordingly in condition for allowance.

Regarding the first claim phrase identified by the Office Action, "said first request signal including a request for a specified amount of bandwidth," discussion focused particularly on the definition of the term "bandwidth," as detailed to follow.

First, two general definitions for "bandwidth" were identified - 1. The numerical difference between the upper and lower frequencies of a band, especially an assigned frequency range for a radio to transmit; and 2. The amount of data that can be passed along a communications channel in a given period of time. The second definition was further identified as a term for memory or data capacity, e.g. the statement "I do not have the *bandwidth* to remember all the information you just told me."

Applicant pointed out that "bandwidth" needed for a message is described in the specification on page 10, line 19 through page 11, line 9, that states "[P]ackets may be formatted in a manner to indicate the number of consecutively related packets emanating from a transmitter (e.g. there may be a separate packet field indicating the continuation number of related packets.)." In other words, the number of packets making up a message is (referring to "bandwidth" definition 2 above) – The amount of data that is to be passed along a communications channel in a given period of time.

Applicant further pointed out that definition 1 for bandwidth, a numerical difference between upper and lower frequencies, does not appear to be intended by the specification. In particular, for a message transmission the disclosure on page 10, line 19 through page 11, line 9 indicates an amount of text data (such as the number of packets) for transmission. No discussion is provided indicated that a frequency range for transmission needs to occur. On page 8, line 23 through page 9, line 15 of the specification, message data is described as being transmitted over four frequencies f_1-f_4 . The request is transmitted on a frequency f_4 , a clocked time slotted signal synchronized with clocking signal f_1 , and variations in frequency of f_1-f_4 are not discussed.

Further, regarding the first claim language portion, discussion was provided that the Section 132 declarations submitted provided evidence under M.P.E.P. § 2163 II A 3 (b), where it indicates a Written Description Rejection under 35 U.S.C. § 112 for a claim limitation can be overcome if “[A] person of ordinary skill would have understood, at the time the present application was filed that the description requires that limitation.” The declarations point out that a specified bandwidth amount provided with a request would be required to enable a controller to reasonably function to allocate space on a channel (preventing data overlap or overcoming significant propagation delays/latencies over large distances) enabling multiple nodes to transmit their data and with reasonable efficiency. In particular, given that a plurality of requestors are simultaneously operating, that assigned time slots are used to ensure requests on f_4 do not overlap, that the system described requires a specific bandwidth indication to enable the controller to prevent message overlapping, and that message length is a normal part of packet format, use of knowledge of message length to control access to f_3 would be understood to be necessary from reading the specification to one skilled in the art.

Based particularly on the definition of “bandwidth” using definition 2 above with support for definition 2 provided in the specification, the Examiner stated he would consider agreement

Applicants' submission to overcome the first language portion of claim 46, and potentially allow the all pending claims of this application.

Respectfully submitted,

Date: 9/27/04

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